

# **EXHIBIT B**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

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4	ePLUS, INC.,	:	
5		:	
6	Plaintiff,	:	
7	v.	:	Civil Action
8		:	No. 3:09CV620
9	LAWSON SOFTWARE, INC.,	:	
10		:	March 26, 2010
11	Defendant.	:	
12	---	:	

COMPLETE TRANSCRIPT OF **CONFERENCE CALL**  
BEFORE THE HONORABLE ROBERT E. PAYNE  
UNITED STATES DISTRICT JUDGE

APPEARANCES: (All via telephone)

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DIANE J. DAFFRON, RPR  
OFFICIAL COURT REPORTER  
UNITED STATES DISTRICT COURT

1           If you look at the permutations alone, Your  
2 Honor, we're talking literally tens of thousands of  
3 different permutations where I'm supposed to figure  
4 out what they mean by a so-called system, what they  
5 are specifically referencing it to. Are they  
6 intending on bringing third party witnesses to enhance  
7 and embellish on what the system is? I've been asking  
8 that for months because I want to depose any third  
9 parties, but they have never told me.

10           When they lump something together and say  
11 then it renders it invalid under 102/103, and then  
12 have a laundry list of about nine separate references,  
13 what am I to infer from that?

14           THE COURT: What you're supposed to do is  
15 object that they haven't complied with the Court order  
16 and tell them that they haven't. And then if they  
17 don't comply, bring it to the Court for decision on  
18 that front instead of arguing about it.

19           Look, you, Mr. McDonald, have gone hog wild  
20 and crazy with these references, and they are  
21 inadequate. They just are. I've never seen any prior  
22 art references, alleged invalidity references, as  
23 crazy as this.

24           You're just going to have to pick --

25           MR. McDONALD: Well, Your Honor --

1           THE COURT: Wait a minute, Mr. McDonald. You  
2 told me you were going to have seven or eight, and I  
3 want you to do them like I said; claim-by-claim,  
4 element-by-element. What is it that in the prior art  
5 invalidates it? And then you take the page of the  
6 prior art, and not only do you write it out, you  
7 highlight it, and you hand it to them.

8           They don't have to answer anything until you  
9 start doing it right and until you cut down your  
10 references and make them specific. It's not  
11 sufficient to tell somebody some saber system or some  
12 whatever it is. I know that you said that you all  
13 gave them the page number, but that's not enough.  
14 That doesn't do what I asked you to do. You-all have  
15 complicated the case unnecessarily.

16           MR. McDONALD: Beyond the page number, I put  
17 the tabs in, Your Honor, which is more specific than  
18 page number. We have column and line references  
19 specifically to the tab.

20           THE COURT: But you didn't do it on a  
21 claim-by-claim, element-by-element basis.

22           MR. McDONALD: That's Exhibit A, Your Honor,  
23 to what we provided to you. It's a copy of our  
24 invalidity contentions. And that's exactly what we  
25 did. We have examples in there. We provided excerpts

1 sir.

2 THE COURT: That briefing is going to be  
3 finished or has it been finished now?

4 MR. ROBERTSON: It will be finished on  
5 Monday, Your Honor.

6 THE COURT: Monday. All right. Thank you.

7 MR. ROBERTSON: Thank you, Your Honor.

8 THE COURT: You-all take care. Bye.

9  
10 (The proceedings were adjourned at 11:16  
11 a.m.)

12 I, Diane J. Daffron, certify that the  
13 foregoing is a true and accurate transcription of my  
14 stenographic notes.

15 /s/ 3/30/10  
16 \_\_\_\_\_  
17 DIANE J. DAFFRON, RPR, CCR DATE

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